

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and reexamination of the present invention in view of the following remarks.

Applicants acknowledge their duty under 37 C.F.R. 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(a) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a). No such disclosure is required.

Status of the Claims:

Claims 1 through 32, inclusive, are pending in the subject patent application. Applicants have canceled claims 1, 16, 17, 18, 30 and 31. Applicants have amended claims, 2 through 15, inclusive, and claims 19 through 29, inclusive, and claim 32. The amendments do not present new matter.

Priority:

Applicants have amended paragraph [001] to update the serial number and filing date of the parent application to be entitled to the benefit under 35 U.S.C. 120.

Drawings:

The drawings are objected to under 37 CFR 1.83(a). The Examiner states that the conical and rectangular blocks of claims 16, 17, 30 and 31 must be shown in the drawings or the features canceled from such claims. Applicants have canceled claims 16, 17, 30 and 31 thereby rendering moot this objection. The claims are not canceled in order to overcome prior art, but are canceled as a matter of convenience. No corrected drawings are required in reply to this Office action.

Claim Rejections – 35 USC § 112

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, for failure to provide antecedent basis for the term “the large scale vortex device”. Claim 11 has been amended by deleting “the large scale vortex device” and inserting “ultra low NOx burner”. The amendment is fully supported by the Specification and does not present new matter.

Claim Rejections – 35 USC § 103

Claims 1, 5, 6, 8-12, 14, 15, 18 and 24-26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over latrides et al (US 5,743,723) in view of Johnson (US 5,688,115). Claims 2-4, 7, 13, 16, 17, 19-23, 27 and 30-32 are objected to as being dependent upon a rejected based claim, but are deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have rewritten the claims deemed allowable by the Examiner, including all of the limitations of the base claim and any intervening claims. By way of explanation, claim 1 has been canceled and claims 2, 3 and 4 have been rewritten in independent form. Claims formerly dependent upon claim 1 (canceled) are presented in multiply dependent form to dependent upon claims 2, 3 and 4. Claim 17 has been canceled and claims 18, 19 and 20 have been rewritten in mutiply dependent form. Claims formerly dependent upon claim 17 (canceled) are presented in multiply dependent form to depend upon claims 18, 19 and 20.

Applicants respectfully submit that deletion of the subject matter formerly presented in claims 1, 5, 6, 8-12, 14, 15, 18 and 24-26, 28 and 29 renders moot the rejection of the Claims under 25 USC 103(a) and that the claims, as amended, are patentable over the cited prior art.


Appl. No. 10/067,450
Amdt. Dated March 3, 2004
Reply to Office Action of September 3, 2003

Applicants acknowledge the following prior art made of record, not relied upon, but considered pertinent to Applicants' disclosure: U.S. Patent No. 6,499,990 (Zink et al.), U.S. Patent No. 5,634,785 (Bury et al.), U.S. Patent No. 5,098,282 (Schwartz et al.) and U.S. Patent 4,505,666 (Martin et al.)

Summary

Applicants respectfully submit that the objections and rejections set forth by the Examiner has been overcome and Applicants request favorable reconsideration and prompt allowance of the pending Claims.

Respectfully submitted,



Keith D. Gourley
Attorney for Applicants
Registration No. 32,988

7201 Hamilton Boulevard
Allentown, PA 18195-1501
(610) 481-6566

N:\KDG\3212.DOC